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May 1, 2025

Hon. Jose R. Almonte, U.S.M.J.
U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re Sehoon Chang vs. Able C&C Co. Ltd.
D.N.J. Case 2:23-cv-02590-KSH-JRA

Dear Judge Almonte:

We submit Plaintiff's objection to Defendant's ECF 121 fee application.¹ Defendant seeks \$63,557.50 in fees pursuant to Your Honor's ECF 117 opinion and ECF 118 order. Notably, Page "30" of the ECF 117 opinion limits recovery to "fees and expenses *in connection with the instant Motion*," or ECF 82 filed September 19, 2024. Leave to file the "instant motion" was given September 10, 2024. (9/10/24 Tr. at 20:20-21:6 (ECF 81)).

I. Defendant's fee application seeks more than what the Court had authorized.

Defendant's fee application is not limited to ECF 82 and, therefore, seeks more than what the Court had authorized. In fact, "Exhibit A" to the fee application

¹ We respectfully request the Court to accept our objection, filed two hours late. Due to internet connectivity issues at home, our internet access has been inconsistent and caused delays in uploading/filing our papers.

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shows activity beginning May 2024 and well after Defendant's ECF 84 reply filed October 10, 2024. (Defendant filed its motion originally on May 29, 2024, but the Court terminated the motion because it was not authorized. (ECF 56.))

Under ECF 117 and ECF 118, we calculate the *maximum* fees recoverable to be \$19,870.50 based on the following "Exhibit A" entries:

987350	9/12/2024 0630	Eric S. Latzer	0.50	750.00	375.00	WORK ON MOTION TO DISQUALIFY P. LEE AND FOR OTHER RELIEF
987350	9/13/2024 0630	Eric S. Latzer	1.50	750.00	1,125.00	WORK ON UPDATING BRIEF FOR MOTION TO DISQUALIFY
987350	9/18/2024 0630	Eric S. Latzer	1.00	750.00	750.00	ADDRESS MOTION TO DISQUALIFY; UPDATES TO SAME AND CORRESPONDENCE RE: SAME
987350	9/18/2024 0935	J. Michael Pardoe	0.60	585.00	351.00	DRAFT/REVISE MOTION TO DISQUALIFY COUNSEL AND ACCOMPANYING FILINGS; WORK WITH TEAM TO ENSURE FILED.
987350	9/18/2024 0935	J. Michael Pardoe	1.80	585.00	1,053.00	DRAFT/REVISE MOTION TO DISQUALIFY COUNSEL AND ACCOMPANYING FILINGS; WORK WITH TEAM TO ENSURE FILED.
987350	9/18/2024 0935	J. Michael Pardoe	2.60	585.00	1,521.00	DRAFT/REVISE MOTION TO DISQUALIFY COUNSEL AND ACCOMPANYING FILINGS; WORK WITH TEAM TO ENSURE FILED.
987350	9/19/2024 0630	Eric S. Latzer	1.50	750.00	1,125.00	WORK ON DECLARATION FOR MOTION TO DISQUALIFY; EDITS AND UPDATES TO BRIEF
987350	9/19/2024 0935	J. Michael Pardoe	1.20	585.00	702.00	FINALIZE AND FILE DISQUALIFICATION MOTION.
987350	9/19/2024 0963	Danielle E. Delehanty	1.00	400.00	400.00	REVIEW AND PREPARE NOTICE OF MOTION TO DISQUALIFY, BRIEF, LATZER CERTIFICATION WITH EXHIBITS, PROPOSED ORDER AND CERTIFICATE OF SERVICE FOR FILING (0.6); E-FILE SAME AND CIRCULATE TO TEAM (0.4)
991298	10/3/2024 0630	Eric S. Latzer	1.00	750.00	750.00	REVIEW OF CHANG'S OPPOSITION TO MOTION TO DISQUALIFY AND OUTLINE ISSUES FOR REPLY
991298	10/3/2024 0935	J. Michael Pardoe	0.30	585.00	175.50	REVIEW OPPOSITION TO MOTION TO DISQUALIFY.
991298	10/4/2024 0630	Eric S. Latzer	1.00	750.00	750.00	ADDRESS ISSUES RE: DISQUALIFICATION REPLY BRIEF AND CONFER/CORRESPONDENCE RE: SAME
991298	10/4/2024 0935	J. Michael Pardoe	0.50	585.00	292.50	PLAN/PREPARE FOR REPLY IN SUPPORT OF MOTION TO DISQUALIFY; CONFER WITH E. LATZER RE: SAME.
991298	10/7/2024 0935	J. Michael Pardoe	2.30	585.00	1,345.50	DRAFT/REVISE REPLY IN SUPPORT OF MOTION TO DISQUALIFY AND FOR SANCTIONS.
991298	10/8/2024 0384	Joseph Barbieri	1.20	900.00	1,080.00	DRAFT REPLY BRIEF IN FURTHER SUPPORT OF MOTION TO DISQUALIFY PETER LEE
991298	10/8/2024 0935	J. Michael Pardoe	4.10	585.00	2,398.50	PERFORM LEGAL RESEARCH CONCERNING REPLY IN SUPPORT OF MOTION TO DISQUALIFY; [REDACTED] PLAN/PREPARE OPPOSITION ARGUMENTS ASSERTED BY PETER LEE; CONDUCT RESEARCH RE: [REDACTED]
991298	10/8/2024 0935	J. Michael Pardoe	3.30	585.00	1,930.50	DRAFT/REVISE REPLY IN SUPPORT OF MOTION TO DISQUALIFY AND FOR SANCTIONS.
991298	10/9/2024 0935	J. Michael Pardoe	2.70	585.00	1,579.50	FINALIZE DRAFT OF REPLY IN SUPPORT OF MOTION TO DISQUALIFY (2.5); DRAFT/REVISE EMAIL TO CLIENT RE: [REDACTED]
991298	10/9/2024 0935	J. Michael Pardoe	1.60	585.00	936.00	INCORPORATE EDITS FROM J. BARBIERIE INTO REPLY BRIEF.
991298	10/10/2024 0630	Eric S. Latzer	0.75	750.00	562.50	REVIEW AND REVISE REPLY BRIEF FOR MOTION TO DISQUALIFY
991298	10/10/2024 0935	J. Michael Pardoe	0.80	585.00	468.00	FINALIZE AND FILE REPLY IN SUPPORT OF MOTION TO DISQUALIFY.
991298	10/10/2024 0963	Danielle E. Delehanty	0.50	400.00	200.00	REVIEW, PREPARE FILE AND CIRCULATE REPLY IN SUPPORT OF MOTION TO DISQUALIFY

The remaining entries shown in "Exhibit A" show no connection to the "instant motion."

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II. Defendant's fees requested are not reasonable.

Under RPC 1.5(a), a lawyer's fee must be "reasonable." When calculating the amount of reasonable attorney's fees, courts must determine the lodestar, defined as the "the number of hours reasonably expended multiplied by a reasonable hourly rate." Rendine v. Pantzer, 141 N.J. 292, 335 (1995); see Hensley v. Eckerhart, 103 S.Ct. 1933, 1939 (1983). Courts may not include "excessive and unnecessary hours spent on the case in calculating the lodestar." Furst v. Einstein Moomjy, Inc., 182 N.J. 1, 22 (2004). Therefore, the amount of the lodestar "may be reduced[.]" R.M. v. Supreme Court of N.J., 190 N.J. 1, 11 (2007).

Defendant presents a state court decision in support of the "reasonable hourly rate" sought today. (While Judge Thurber approved the hourly rates requested, Her Honor deducted nearly half the fees sought because Superior Court "is not awarding the entire fees sought, but rather assessing a sanction." ECF 121-2 at "Page 38 of 41.") Also, the state court decision is dated before the enhanced rates sought today, which defense counsel advises became effective shortly before Defendant filed its "instant motion." Accordingly, for the purpose of this application, we shall not oppose the rates "prior to 9/1/24":

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Name	Position	Experience	Rate (Prior to 9/1/24)
Eric S. Latzer	Member	14 years	\$650
Joseph Barbieri	Member	24 years	\$825
J. Michael Pardoe	Associate	8 years	\$495
Danielle Delehanty	Paralegal	18 years	\$365

Otherwise, Defendant's fee application is without any support for the reasonableness of the hourly rates claimed, including the "relevant community" and "prevailing market rates." See ECF 121-1 at p. 3.

Next, Plaintiff objects to many billing entries containing vague descriptions. For example, Mr. Latzer's 9/12 entry for "work on motion" does little to apprise the reader, let alone a paying client, about what was actually done. The "nature of the services rendered" must be shown. L. Civ. R. 54.2(a)(1). In fact, the *only* entries complying with the rule are:

Ms. Delehanty's 9/19 entry	1.00 Hours
Mr. Latzer's 10/3 entry	1.00 Hours
Mr. Pardoe's 10/4 entry	2.30 Hours
Mr. Pardoe's 10/8 entry	4.10 Hours

Defendant also seeks payment for duplicative work:

Mr. Latzer and Mr. Pardoe each billed for "review" of Plaintiff's opposition on 10/3;

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Mr. Barbieri and Mr. Pardoe billed a total of 9.5 hours for "draft" reply from 10/8 to 10/9

Mr. Latzer, Mr. Pardoe and Ms. Delehanty each billed for "review," "revise" and/or "file" Defendant's reply on 10/10

We do not suggest that all non-complying entries must be deducted. Rather, these issues warrant adjustments because a lawyer's fee must be "reasonable."

RPC 1.5(a).

III. Defendant's request for "immediate" judgment is unwarranted.

On September 10, 2024, the Court advised all parties that "what happens in state court or what you did in another courtroom, even in federal court, doesn't matter to me. What matters is what happens here."² To the extent defense counsel relies, or continues to rely on a "prior experience" elsewhere, we shall heed the Court's instructions. Defense counsel's request for "immediate" judgment is unwarranted.

We thank the Court for Your Honor's valuable consideration.

Respectfully,

/s/ Peter Y. Lee

PETER Y. LEE

PYL/ddh
cc: Mr. Eric Latzer, Esq.

² 9/10/24 Tr. at 34:15-17 (ECF 81).